

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-05

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 DHA-05 /087 W

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FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 9335

INFO AMCONSUL CAPE TOWN

AMEMBASSY DAR ES SALAAM

AMCONSUL DURBAN

AMEMBASSY GABORONE

USMISSION GENEVA

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY LUSAKA

USMISSION USUN NEW YORK

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E.O. 11652: N/A (DECONTROL ON RECEIPT)

TAGS: PINS SHUM WA SF

SUBJ: NAMIBIA: NEW TERRORISM ACT TRIAL

REF: 76 PRETORIA 2348

1. ACCORDING TO OCT. 25 PRESS, SAG BROUGHT VICTOR NKANDI BEFORE SUPREME COURT IN WINDHOEK ON OCTOBER 24 AND CHARGED HIM WITH PARTICIPATION IN AUGUST 16, 1975 MURDER OF CHIEF ELIFAS, CHIEF MINISTER OF OVAMBO, IN NAMIBIA. ACCORDING TO INDICTMENT, NKANDI TRANSPORTED SEVERAL PEOPLE FROM ANGOLA TO ONAMAGONGWA, OVAMBO WITH FOREKNOWLEDGE THAT THE PASSENGERS WERE PLANNING TO KILL ELIFAS. (CHIEF ELIFAS WAS KILLED BY 2 OF 16 SHOTS FIRED FROM SOVIET MADE AUTOMATIC PISTOLS WHILE DRINKING IN AN ONAMAGONGWA STORE.)

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NKANDI ALLEGEDLY DROVE THE PASSENGERS BACK TO THE ANGOLAN BORDER AFTER THE SHOOTING OF ELIFAS. STATE ALSO CHARGED NKANDI WITH TERRORISTIC ACTIVITIES AND CONSPIRING TO KILL ELIFAS.

2. NKANDI, REPRESENTED BY JOHANNESBURG ADVOCATE DAVID SOGGOT, WAS ARRAIGNED OCTOBER 24 AND PLEADED NOT GUILTY. STATE

PROSECUTOR H.F. VAN ZYL TOLD COURT THAT EVIDENCE WILL PROVE THAT ACCUSED PURCHASED A BLUE LAND-ROVER UNDER FALSE NAME WITH AARON MUSHIMBA WITH PURPOSE OF ENDANGERING LAW AND ORDER IN ANMIBIA. ATTORNEY-GENERAL OF NAMIBIA LATEGAN TOLD EMBOFF OCTOBER 25 THAT TRIAL EXPECTED TO LAST AT LEAST THREE WEEKS.

3. PRESS REPORTED PRESENCE OF 100 PRO-SWAPO DEMONSTRATORS OUTSIDE COURTHOUSE DEMANDING RELEASE OF POLITICAL PRISONERS. ATTORNEY-GENERAL LATEGAN DESCRIBED EVENT AS MORE A CARNIVAL THAN PROTEST. ACCORDING TO LATEGAN, HE SAW POLICEMEN TAPPING THEIR FEET TO MUSIC AND ATTORNEY-GENERAL HAD TO RESTRAIN SOME OF HIS EMPLOYEES FROM DANCING OUTSIDE COURTHOUSE.

4. BACKGROUND: CIRCUMSTANCES SURROUNDING MURDER OF ELIFAS WAS ONE OF THE ISSUES IN THE 1976 "SWAKOPMUND TRIAL" OF AARON MUSHIMBA, HENDRIK SHIKONGO, RAUNA NAMBINGA, AND ANNA NGHIHONDJWA, I.E., STATE V. MUSHIMBA AND OTHERS. NKANDI, ALLEGEDLY KNOCKED UNCONSCIOUS BY THE INVESTIGATING OFFICER IN THE CASE, WAS CALLED AS A STATE WITNESS AND REFUSED TO TESTIFY. JUDGE IN SWAKOPMUND TRIAL SENTENCED NKANDI TO ONE YEAR IMPRISONMENT ACCORDING TO SECTION 189 (RECALCITRANT WITNESS) OF CRIMINAL PROCEDURE ACT. NKANDI HAS SERVED YEAR IN PRISON AND STATE HAS DECIDED TO NOW CHARGE HIM WITH PARTICIPATING IN MURDER OF ELIFAS.
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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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